

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TZVIA WEXLER

Plaintiff,

v.

CHARMAINE HAWKINS, et al.

Defendants.

CIVIL ACTION NO. 19-5760

ORDER

AND NOW, this 11th day of January 2024, upon consideration of Defendants Charmaine Hawkins and James Koenig’s Motion in Limine to Preclude Evidence of the Philadelphia Police Department’s Directives [Doc. No. 53], and pursuant to the parties’ attached stipulation which the Court hereby enters,¹ the parties’ Joint Statement Regarding Proposed Stipulation,² and oral representations from the parties during the final pretrial conference held before the Court on December 21, 2023, it is hereby **ORDERED** that Defendants’ Motion in Limine to Preclude Evidence of the Philadelphia Police Department’s Directives [Doc. No. 53] is **DISMISSED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

¹ [Doc. No. 73].

² [Doc. No. 74] (stating the parties’ position that the stipulations “fully resolve Defendants’ pending Motion”).

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TZVIA WEXLER,	:	
	:	
Plaintiff	:	
	:	Civil Action
v.	:	No. 19-5760
	:	
	:	
CHARMAINE HAWKINS, et al.,	:	
Defendants	:	

STIPULATION

IT IS HEREBY stipulated and agreed by Plaintiff, Tzvia Wexler and Defendants, Charmaine Hawkins and James Koenig, as follows:

1. The Philadelphia Police Department Directives will not be entered or used as affirmative evidence or admitted as evidence at trial.
2. If the witnesses testify at trial a policy related to an action they did or did not take does not exist and such a policy related to that specific action does explicitly exist in the Directives, the Directives will be used only to demonstrate that such a policy exists. Only that specific portion of the policy may be used to impeach the witnesses testimony and show that such a policy exists in the Directive.
3. The Philadelphia Police Department Directives are not a substitution for federal constitutional law or state law and no party will characterize them as such directly or indirectly. No party will characterize a failure to follow Philadelphia Police Department Directives as the basis for a state law or federal constitutional law violation directly or indirectly.
4. Only if necessary, Directives 4.21 and 10.2 will be referenced as the Policies and Procedures of the Philadelphia Police Department in effect on June 9, 2019. If used for impeachment, they may be marked for the record and considered for impeachment; but

they are not to be considered as a substitute for the law with regard to the individual violations alleged by Ms. Wexler.

/s/ Thomas Malone

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Attorney for Plaintiff, Tzvia Wexler

DATED: January 10, 2024

Signed: January 11, 2024

/s/ Jonah Santiago-Pagan

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Hawkins and James Koenig

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.